

House File 567

S-3144

1 Amend House File 567, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking page 1, line 1, through page 14,
4 line 19, and inserting:

5 <Section 1. Section 124.101, Code 2015, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 15A. "Imitation controlled
8 substance" means a substance which is not a controlled
9 substance but which by color, shape, size, markings,
10 and other aspects of dosage unit appearance, and
11 packaging or other factors, appears to be or resembles
12 a controlled substance. The board of pharmacy may
13 designate a substance as an imitation controlled
14 substance pursuant to the board's rulemaking authority
15 and in accordance with chapter 17A. "Imitation
16 controlled substance" also means any substance
17 determined to be an imitation controlled substance
18 pursuant to section 124.101B.

19 Sec. ____. NEW SECTION. 124.101B Factors indicating
20 an imitation controlled substance.

21 If a substance has not been designated as an
22 imitation controlled substance by the board of pharmacy
23 and if dosage unit appearance alone does not establish
24 that a substance is an imitation controlled substance,
25 the following factors may be considered in determining
26 whether the substance is an imitation controlled
27 substance:

28 1. The person in control of the substance expressly
29 or impliedly represents that the substance has the
30 effect of a controlled substance.

31 2. The person in control of the substance expressly
32 or impliedly represents that the substance because
33 of its nature or appearance can be sold or delivered
34 as a controlled substance or as a substitute for a
35 controlled substance.

36 3. The person in control of the substance either
37 demands or receives money or other property having a
38 value substantially greater than the actual value of
39 the substance as consideration for delivery of the
40 substance.

41 Sec. ____. Section 124.201, subsection 4, Code 2015,
42 is amended to read as follows:

43 4. If any new substance is designated as a
44 controlled substance under federal law and notice of
45 the designation is given to the board, the board shall
46 similarly designate as controlled the new substance
47 under this chapter after the expiration of thirty days
48 from publication in the federal register of a final
49 order designating a new substance as a controlled
50 substance, unless within that thirty-day period the

1 board objects to the new designation. In that case
2 the board shall publish the reasons for objection and
3 afford all interested parties an opportunity to be
4 heard. At the conclusion of the hearing the board
5 shall announce its decision. Upon publication of
6 objection to a new substance being designated as a
7 controlled substance under this chapter by the board,
8 control under this chapter is stayed until the board
9 publishes its decision. If a substance is designated
10 as controlled by the board under this subsection the
11 control shall be considered a temporary and if, within
12 sixty days after the next regular session of the
13 general assembly convenes, the general assembly has not
14 made the corresponding changes in this chapter, the
15 temporary designation of control of the substance by
16 the board shall be nullified amendment to the schedules
17 of controlled substances in this chapter. If the
18 board so designates a substance as controlled, which
19 is considered a temporary amendment to the schedules
20 of controlled substances in this chapter, and if
21 the general assembly does not amend this chapter to
22 enact the temporary amendment and make the enactment
23 effective within two years from the date the temporary
24 amendment first became effective, the temporary
25 amendment is repealed by operation of law two years
26 from the effective date of the temporary amendment. A
27 temporary amendment repealed by operation of law is
28 subject to section 4.13 relating to the construction
29 of statutes and the application of a general savings
30 provision.

31 Sec. _____. Section 124.204, subsection 4, paragraphs
32 m and u, Code 2015, are amended by striking the
33 paragraphs.

34 Sec. _____. Section 124.204, subsection 4, paragraph
35 ai, subparagraphs (3), (4), and (5), Code 2015, are
36 amended by striking the subparagraphs.

37 Sec. _____. Section 124.204, subsection 4, paragraph
38 aj, Code 2015, is amended by striking the paragraph and
39 inserting in lieu thereof the following:

40 *aj.* 5-methoxy-N,N-dimethyltryptamine.

41 Some trade or other names:

42 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT.

43 Sec. _____. Section 124.204, subsection 4, paragraph
44 ak, Code 2015, is amended by striking the paragraph and
45 inserting in lieu thereof the following:

46 *ak.* 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine
47 (2C-E).

48 Sec. _____. Section 124.204, subsection 4, Code 2015,
49 is amended by adding the following new paragraphs:

50 NEW PARAGRAPH. *a1.* 2-(2,5-Dimethoxy-4-

1 methylphenyl)ethanamine (2C-D).
2 NEW PARAGRAPH. *am.* 2-(4-Chloro-2,5-
3 dimethoxyphenyl)ethanamine (2C-C).
4 NEW PARAGRAPH. *an.* 2-(4-Iodo-2,5-
5 dimethoxyphenyl)ethanamine (2C-I).
6 NEW PARAGRAPH. *ao.* 2-[4-(Ethylthio)-2,5-
7 dimethoxyphenyl]ethanamine (2C-T-2).
8 NEW PARAGRAPH. *ap.* 2-[4-(Isopropylthio)-2,5-
9 dimethoxyphenyl]ethanamine (2C-T-4).
10 NEW PARAGRAPH. *aq.* 2-(2,5-Dimethoxyphenyl)
11 ethanamine (2C-H).
12 NEW PARAGRAPH. *ar.* 2-(2,5-Dimethoxy-4-
13 nitrophenyl)ethanamine (2C-N).
14 NEW PARAGRAPH. *as.* 2-(2,5-Dimethoxy-4-(n)-
15 propylphenyl)ethanamine (2C-P).
16 Sec. ____. Section 124.204, subsection 6, paragraph
17 i, subparagraph (3), Code 2015, is amended by striking
18 the subparagraph and inserting in lieu thereof the
19 following:
20 (3) 3,4-Methylenedioxy-N-methylcathinone
21 (methylone).
22 Sec. ____. Section 124.204, subsection 6, paragraph
23 i, subparagraphs (18), (19), (20), (21), and (22), Code
24 2015, are amended by striking the subparagraphs and
25 inserting in lieu thereof the following:
26 (18) 4-methyl-N-ethylcathinone. Other names:
27 4-MEC, 2-(ethylamino)-1-(4-methylphenyl)propan-1-one.
28 (19) 4-methyl-alpha6 pyrrolidinopropiophenone.
29 Other names: 4-MePPP, MePPP,
30 4-methyl-[alpha]-pyrrolidinopropiophenone, 8
31 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)-propan-1-one.
32 (20) Pentedrone. Other names:
33 [alpha]-methylaminovalerophenone,
34 2-(methylamino)-1-phenylpentan-1-one.
35 (21) Pentylone. Other names: bk-MBDP,
36 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one.
37 (22) Alpha-pyrrolidinobutiophenone. Other names:
38 [alpha]-PBP, 1-phenyl-2-(pyrrolidin-1-yl)butan-1-one.
39 Sec. ____. Section 124.204, subsection 6, paragraph
40 i, subparagraphs (23), (24), (25), and (26), Code 2015,
41 are amended by striking the subparagraphs.
42 Sec. ____. Section 124.204, subsection 7, Code 2015,
43 is amended by striking the subsection.
44 Sec. ____. Section 124.204, subsection 9, Code 2015,
45 is amended by adding the following new paragraphs:
46 NEW PARAGRAPH. *0a.* HU-210.
47 [(6aR,10aR)-9-(hydroxymethyl)-
48 6,6-dimethyl-3-(2-methyloctan-2-yl) 6a,7,10,10a-
49 tetrahydrobenzo[c] chromen-1-ol)].
50 NEW PARAGRAPH. *00a.* HU-211(dexanabinol,

1 (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
2 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
3 chromen-1-ol).

4 NEW PARAGRAPH. 000a. Unless specifically exempted
5 or unless listed in another schedule, any material,
6 compound, mixture, or preparation which contains any
7 quantity of cannabimimetic agents, or which contains
8 their salts, isomers, and salts of isomers whenever the
9 existence of such salts, isomers, and salts of isomers
10 is possible within the specific chemical designation.

11 (1) The term "*cannabimimetic agents*" means any
12 substance that is a cannabinoid receptor type 1 (CB1
13 receptor) agonist as demonstrated by binding studies
14 and functional assays within any of the following
15 structural classes:

16 (a) 2-(3-hydroxycyclohexyl)phenol with substitution
17 at the 5-position of the phenolic ring by alkyl or
18 alkenyl, whether or not substituted on the cyclohexyl
19 ring to any extent.

20 (b) 3-(1-naphthoyl)indole or
21 3-(1-naphthylmethane)indole by substitution at the
22 nitrogen atom of the indole ring, whether or not
23 further substituted on the indole ring to any extent,
24 whether or not substituted on the naphthoyl or naphthyl
25 ring to any extent.

26 (c) 3-(1-naphthoyl)pyrrole by substitution at the
27 nitrogen atom of the pyrrole ring, whether or not
28 further substituted in the pyrrole ring to any extent,
29 whether or not substituted on the naphthoyl ring to any
30 extent.

31 (d) 1-(1-naphthylmethylene)indene by substitution
32 of the 3-position of the indene ring, whether or not
33 further substituted in the indene ring to any extent,
34 whether or not substituted on the naphthyl ring to any
35 extent.

36 (e) 3-phenylacetylindole or 3-benzoylindole by
37 substitution at the nitrogen atom of the indole ring,
38 whether or not further substituted in the indole ring
39 to any extent, whether or not substituted on the phenyl
40 ring to any extent.

41 (2) Such terms include:

42 (a) CP 47,497 and homologues
43 5-(1,1-dimethylheptyl)-2-
44 [(1R,3S)-3-hydroxycyclohexyl]phenol.

45 (b) JWH-018 and AM678
46 1-Pentyl-3-(1-naphthoyl)indole.

47 (c) JWH-073 1-Butyl-3-(1-naphthoyl)indole.

48 (d) JWH-200[1-[2-(4-morpholinyl)ethyl]-1H-
49 indol-3-yl]-1-naphthalenyl-methanone.

50 (e) JWH-19 1-hexyl-3-(1-naphthoyl)indole.

1 (f) JWH-81
2 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole.
3 (g) JWH-122
4 1-pentyl-3-(4-methyl-1-naphthoyl)indole.
5 (h) JWH-250
6 1-pentyl-3-(2-methoxyphenylacetyl)indole.
7 (i) RCS-4 and SR-19
8 1-pentyl-3-[(4-methoxy)-benzoyl]indole.
9 (j) RCS-8 and SR 18 1-cyclohexylethyl-3-
10 (2-methoxyphenylacetyl)indole.
11 (k) AM2201
12 1-(5-fluoropentyl)-3-(1-naphthoyl)indole.
13 (l) JWH-203
14 1-pentyl-3-(2-chlorophenylacetyl)indole.
15 (m) JWH-398
16 1-pentyl-3-(4-chloro-1-naphthoyl)indole.
17 (n) AM694
18 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.
19 (o) Cannabicyclohexanol or CP-47,497 C8-homolog 5-
20 (1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol.
21 NEW
22 PARAGRAPH. 0d. N-(1-amino-3-methyl-1-oxobutan-2-
23 yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide.
24 Other names: AB-FUBINACA.
25 NEW PARAGRAPH. 00d. N-(1-amino-
26 3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-
27 1 H-indazole-3-carboxamide. Other names: ADB-PINACA.
28 NEW PARAGRAPH. 000d. Quinolin-8-yl
29 1-pentyl-1H-indazole-3-carboxylate.
30 Other names: PB-22, QUPIC.
31 NEW PARAGRAPH. 0000d. Quinolin-8-yl
32 1-(5-fluoropentyl)-1H-indazole-3-carboxylate. Other
33 names: 5-fluoro-PB-22, 5F-PB-22.
34 NEW
35 PARAGRAPH. 00000d. N-(1-amino-3-methyl-1-oxobutan-
36 2-yl)-1-pentyl-1H-indazole-3-carboxamide. Other names:
37 AB-PINACA.
38 NEW
39 PARAGRAPH. 000000d. N-(1-amino-3-methyl-1-oxobutan-
40 2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide.
41 Other names: AB-CHMINACA.
42 NEW
43 PARAGRAPH. 0000000d. [1-(5-fluoropentyl)-1H-indazol-
44 3-yl](naphthalen-1-yl)methanone. Other names:
45 THJ-2201.
46 Sec. ____. Section 124.206, subsection 7, Code 2015,
47 is amended to read as follows:
48 7. *Hallucinogenic substances.* Unless specifically
49 excepted or unless listed in another schedule, any
50 material, compound, mixture, or preparation which

1 contains any quantity of the following substances,
2 or, for purposes of paragraphs "a" and "b", which
3 contains any of its salts, isomers, or salts of isomers
4 whenever the existence of such salts, isomers, or salts
5 of isomers is possible within the specific chemical
6 designation (for purposes of this paragraph only, the
7 term "isomer" includes the optical, positional, and
8 geometric isomers):

9 ~~a. Marijuana when used for medicinal purposes~~
10 ~~pursuant to rules of the board.~~

11 b. Tetrahydrocannabinols, meaning
12 tetrahydrocannabinols naturally contained in a
13 plant of the genus Cannabis (Cannabis plant) as well
14 as synthetic equivalents of the substances contained
15 in the Cannabis plant, or in the resinous extractives
16 of such plant, and synthetic substances, derivatives,
17 and their isomers with similar chemical structure and
18 pharmacological activity to those substances contained
19 in the plant, such as the following:

20 (1) 1 cis or trans tetrahydrocannabinol, and their
21 optical isomers.

22 (2) 6 cis or trans tetrahydrocannabinol, and their
23 optical isomers.

24 (3) 3,4 cis or trans tetrahydrocannabinol, and
25 their optical isomers. (Since nomenclature of these
26 substances is not internationally standardized,
27 compounds of these structures, regardless of numerical
28 designation of atomic positions covered.)

29 ~~b. c. Nabilone [another name for~~
30 ~~nabilone: (+) -~~

31 ~~trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-~~
32 ~~hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one].~~

33 ~~Sec. ____.~~ Section 124.208, subsection 5, paragraph
34 a, subparagraphs (3) and (4), Code 2015, are amended by
35 striking the subparagraphs.

36 ~~Sec. ____.~~ Section 124.210, subsection 2, Code 2015,
37 is amended by adding the following new paragraph:

38 ~~NEW PARAGRAPH. c. 2-[(dimethylamino)methyl]-1-~~
39 ~~(3-methoxyphenyl)cyclohexanol, its salts, optical~~
40 ~~and geometric isomers, and salts of these isomers~~
41 ~~(including tramadol).~~

42 ~~Sec. ____.~~ Section 124.210, subsection 3, Code 2015,
43 is amended by adding the following new paragraphs:

44 ~~NEW PARAGRAPH. bb. Alfaxalone.~~

45 ~~NEW PARAGRAPH. bc. Suvorexant.~~

46 ~~Sec. ____.~~ Section 124.401, subsection 1, unnumbered
47 paragraph 1, Code 2015, is amended to read as follows:

48 ~~Except as authorized by this chapter, it is unlawful~~
49 ~~for any person to manufacture, deliver, or possess with~~
50 ~~the intent to manufacture or deliver, a controlled~~

1 substance, a counterfeit substance, or a ~~simulated~~
2 ~~controlled substance~~ an imitation controlled substance,
3 or to act with, enter into a common scheme or design
4 with, or conspire with one or more other persons
5 to manufacture, deliver, or possess with the intent
6 to manufacture or deliver a controlled substance,
7 a counterfeit substance, or a ~~simulated controlled~~
8 ~~substance~~ an imitation controlled substance.

9 Sec. _____. Section 124.401, subsection 1, paragraph
10 a, unnumbered paragraph 1, Code 2015, is amended to
11 read as follows:

12 Violation of this subsection, with respect to
13 the following controlled substances, counterfeit
14 substances, or ~~simulated controlled substances~~
15 imitation controlled substances, is a class "B" felony,
16 and notwithstanding section 902.9, subsection 1,
17 paragraph "b", shall be punished by confinement for no
18 more than fifty years and a fine of not more than one
19 million dollars:

20 Sec. _____. Section 124.401, subsection 1, paragraph
21 a, subparagraph (3), Code 2015, is amended to read as
22 follows:

23 (3) More than ~~fifty~~ one hundred twenty-five grams
24 of a mixture or substance described in subparagraph (2)
25 which contains cocaine base.

26 Sec. _____. Section 124.401, subsection 1, paragraph
27 a, Code 2015, is amended by adding the following new
28 subparagraph:

29 **NEW SUBPARAGRAPH.** (8) More than ten kilograms of a
30 mixture or substance containing any detectable amount
31 of those substances identified in section 124.204,
32 subsection 9.

33 Sec. _____. Section 124.401, subsection 1, paragraph
34 b, unnumbered paragraph 1, Code 2015, is amended to
35 read as follows:

36 Violation of this subsection with respect to
37 the following controlled substances, counterfeit
38 substances, or ~~simulated controlled substances~~
39 imitation controlled substances is a class "B" felony,
40 and in addition to the provisions of section 902.9,
41 subsection 1, paragraph "b", shall be punished by a
42 fine of not less than five thousand dollars nor more
43 than one hundred thousand dollars:

44 Sec. _____. Section 124.401, subsection 1, paragraph
45 b, subparagraph (3), Code 2015, is amended to read as
46 follows:

47 (3) More than ~~ten~~ thirty-five grams but not more
48 than ~~fifty~~ one hundred twenty-five grams of a mixture
49 or substance described in subparagraph (2) which
50 contains cocaine base.

1 Sec. _____. Section 124.401, subsection 1, paragraph
2 b, Code 2015, is amended by adding the following new
3 subparagraph:

4 NEW SUBPARAGRAPH. (9) More than five kilograms but
5 not more than ten kilograms of a mixture or substance
6 containing any detectable amount of those substances
7 identified in section 124.204, subsection 9.

8 Sec. _____. Section 124.401, subsection 1, paragraph
9 c, unnumbered paragraph 1, Code 2015, is amended to
10 read as follows:

11 Violation of this subsection with respect to
12 the following controlled substances, counterfeit
13 substances, or ~~simulated controlled substances~~
14 imitation controlled substances is a class "C" felony,
15 and in addition to the provisions of section 902.9,
16 subsection 1, paragraph "d", shall be punished by a
17 fine of not less than one thousand dollars nor more
18 than fifty thousand dollars:

19 Sec. _____. Section 124.401, subsection 1, paragraph
20 c, subparagraph (3), Code 2015, is amended to read as
21 follows:

22 (3) ~~Ten~~ Thirty-five grams or less of a mixture or
23 substance described in subparagraph (2) which contains
24 cocaine base.

25 Sec. _____. Section 124.401, subsection 1, paragraph
26 c, Code 2015, is amended by adding the following new
27 subparagraph:

28 NEW SUBPARAGRAPH. (8) Five kilograms or less of a
29 mixture or substance containing any detectable amount
30 of those substances identified in section 124.204,
31 subsection 9.

32 Sec. _____. Section 124.401, subsection 1, paragraph
33 c, subparagraph (8), Code 2015, is amended to read as
34 follows:

35 ~~(8)~~ (9) Any other controlled substance,
36 counterfeit substance, or ~~simulated controlled~~
37 substance imitation substance classified in schedule I,
38 II, or III, except as provided in paragraph "d".

39 Sec. _____. Section 124.401, subsection 1, paragraph
40 d, Code 2015, is amended to read as follows:

41 d. Violation of this subsection, with respect
42 to any other controlled substances, counterfeit
43 substances, or ~~simulated controlled substances~~
44 classified in section 124.204, subsection 4, paragraph
45 "ai", or section 124.204, subsection 6, paragraph
46 "i", or imitation controlled substances classified
47 in schedule IV or V is an aggravated misdemeanor.
48 However, violation of this subsection involving
49 fifty kilograms or less of marijuana or involving
50 flunitrazepam is a class "D" felony.

1 Sec. _____. Section 124.401, subsection 2, Code 2015,
2 is amended to read as follows:

3 2. If the same person commits two or more acts
4 which are in violation of subsection 1 and the acts
5 occur in approximately the same location or time
6 period so that the acts can be attributed to a single
7 scheme, plan, or conspiracy, the acts may be considered
8 a single violation and the weight of the controlled
9 substances, counterfeit substances, or ~~simulated~~
10 ~~controlled substances~~ imitation controlled substances
11 involved may be combined for purposes of charging the
12 offender.

13 Sec. _____. Section 124.401, subsection 5, Code 2015,
14 is amended to read as follows:

15 5. It is unlawful for any person knowingly or
16 intentionally to possess a controlled substance unless
17 such substance was obtained directly from, or pursuant
18 to, a valid prescription or order of a practitioner
19 while acting in the course of the practitioner's
20 professional practice, or except as otherwise
21 authorized by this chapter. Any Except as otherwise
22 provided in this subsection, any person who violates
23 this subsection is guilty of a serious misdemeanor for
24 a first offense. A person who commits a violation of
25 this subsection and who has previously been convicted
26 of violating this chapter or chapter ~~124A~~, ~~124B~~, or
27 453B, or chapter 124A as it existed prior to July
28 1, 2015, is guilty of an aggravated misdemeanor. A
29 person who commits a violation of this subsection and
30 has previously been convicted two or more times of
31 violating this chapter or chapter ~~124A~~, ~~124B~~, or 453B,
32 or chapter 124A as it existed prior to July 1, 2015, is
33 guilty of a class "D" felony.

34 a. (1) If Except as provided in subparagraph
35 (4), if the controlled substance is marijuana, the
36 punishment shall be by imprisonment in the county jail
37 for not more than six months or by a fine of not more
38 than one thousand dollars, or by both such fine and
39 imprisonment for a first offense.

40 (2) If the controlled substance is marijuana and
41 the person has been previously convicted of a violation
42 of this subsection in which the controlled substance
43 was marijuana, the punishment shall be as provided in
44 section 903.1, subsection 1, paragraph "b".

45 (3) If the controlled substance is marijuana and
46 the person has been previously convicted two or more
47 times of a violation of this subsection in which the
48 controlled substance was marijuana, the person is
49 guilty of an aggravated misdemeanor.

50 (4) If the controlled substance is five grams or

1 less of marijuana and subparagraphs (2) and (3) do not
2 apply, the person is guilty of a simple misdemeanor.

3 (5) A person may knowingly or intentionally
4 recommend, possess, use, dispense, deliver, transport,
5 or administer cannabidiol if the recommendation,
6 possession, use, dispensing, delivery, transporting,
7 or administering is in accordance with the provisions
8 of chapter 124D. For purposes of this paragraph
9 subparagraph, "cannabidiol" means the same as defined
10 in section 124D.2.

11 b. All or any part of a sentence imposed pursuant
12 to this subsection may be suspended and the person
13 placed upon probation upon such terms and conditions as
14 the court may impose including the active participation
15 by such person in a drug treatment, rehabilitation or
16 education program approved by the court.

17 c. If a person commits a violation of this
18 subsection, the court shall order the person to serve
19 a term of imprisonment of not less than forty-eight
20 hours. Any sentence imposed may be suspended, and
21 the court shall place the person on probation upon
22 such terms and conditions as the court may impose.
23 If the person is not sentenced to confinement under
24 the custody of the director of the department of
25 corrections, the terms and conditions of probation
26 shall require submission to random drug testing. If
27 the person fails a drug test, the court may transfer
28 the person's placement to any appropriate placement
29 permissible under the court order.

30 d. If the controlled substance is amphetamine,
31 its salts, isomers, or salts of its isomers, or
32 methamphetamine, its salts, isomers, or salts of its
33 isomers, the court shall order the person to serve
34 a term of imprisonment of not less than forty-eight
35 hours. Any sentence imposed may be suspended, and the
36 court shall place the person on probation upon such
37 terms and conditions as the court may impose. The
38 court may place the person on intensive probation.
39 However, the terms and conditions of probation shall
40 require submission to random drug testing. If the
41 person fails a drug test, the court may transfer
42 the person's placement to any appropriate placement
43 permissible under the court order.

44 Sec. ____. Section 124.401A, Code 2015, is amended
45 to read as follows:

46 **124.401A Enhanced penalty for manufacture or**
47 **distribution to persons on certain real property.**

48 In addition to any other penalties provided in
49 this chapter, a person who is eighteen years of age
50 or older who unlawfully manufactures with intent to

1 distribute, distributes, or possesses with intent to
2 distribute a substance or counterfeit substance listed
3 in schedule I, II, or III, or a ~~simulated~~ imitation
4 controlled substance represented to be a controlled
5 substance classified in schedule I, II, or III, to
6 another person who is eighteen years of age or older in
7 or on, or within one thousand feet of the real property
8 comprising a public or private elementary or secondary
9 school, public park, public swimming pool, public
10 recreation center, or on a marked school bus, may be
11 sentenced up to an additional term of confinement of
12 five years.

13 Sec. _____. Section 124.401B, Code 2015, is amended
14 to read as follows:

15 **124.401B Possession of controlled substances on**
16 **certain real property — additional penalty.**

17 In addition to any other penalties provided in this
18 chapter or another chapter, a person who unlawfully
19 possesses a substance listed in schedule I, II, or
20 III, or a ~~simulated~~ imitation controlled substance
21 represented to be a controlled substance classified
22 in schedule I, II, or III, in or on, or within one
23 thousand feet of the real property comprising a public
24 or private elementary or secondary school, public park,
25 public swimming pool, public recreation center, or on
26 a marked school bus, may be sentenced to one hundred
27 hours of community service work for a public agency
28 or a nonprofit charitable organization. The court
29 shall provide the offender with a written statement of
30 the terms and monitoring provisions of the community
31 service.

32 Sec. _____. **NEW SECTION. 124.401G Simulated**
33 **controlled substances.**

34 1. Except as provided in this chapter, it is
35 unlawful for any person to manufacture, deliver, or
36 possess with the intent to manufacture or deliver, a
37 simulated controlled substance, or to act with, enter
38 into a common scheme or design with, or conspire with
39 one or more other persons to manufacture, deliver, or
40 possess with the intent to manufacture or deliver a
41 simulated controlled substance.

42 2. A person who violates subsection 1 is guilty of
43 a fraudulent practice as defined in sections 714.8 to
44 714.14.

45 Sec. _____. Section 124.406, subsection 2, Code 2015,
46 is amended to read as follows:

47 2. A person who is eighteen years of age or older
48 who:

49 a. Unlawfully distributes or possesses with the
50 intent to distribute a counterfeit substance listed in

1 schedule I or II, or a ~~simulated~~ imitation controlled
2 substance represented to be a substance classified in
3 schedule I or II, to a person under eighteen years
4 of age commits a class "B" felony. However, if the
5 substance was distributed in or on, or within one
6 thousand feet of, the real property comprising a public
7 or private elementary or secondary school, public park,
8 public swimming pool, public recreation center, or on
9 a marked school bus, the person shall serve a minimum
10 term of confinement of ten years.

11 b. Unlawfully distributes or possesses with
12 intent to distribute a counterfeit substance listed
13 in schedule III, or a ~~simulated~~ imitation controlled
14 substance represented to be any substance listed in
15 schedule III, to a person under eighteen years of age
16 who is at least three years younger than the violator
17 commits a class "C" felony.

18 c. Unlawfully distributes a counterfeit substance
19 listed in schedule IV or V, or a ~~simulated~~ imitation
20 controlled substance represented to be a substance
21 listed in schedule IV or V, to a person under eighteen
22 years of age who is at least three years younger than
23 the violator commits an aggravated misdemeanor.

24 Sec. _____. Section 124.415, Code 2015, is amended to
25 read as follows:

26 **124.415 Parental and school notification — persons**
27 **under eighteen years of age.**

28 A peace officer shall make a reasonable effort to
29 identify a person under the age of eighteen discovered
30 to be in possession of a controlled substance,
31 counterfeit substance, or ~~simulated controlled~~
32 substance imitation controlled substance in violation
33 of this chapter, and if the person is not referred to
34 juvenile court, the law enforcement agency of which the
35 peace officer is an employee shall make a reasonable
36 attempt to notify the person's custodial parent or
37 legal guardian of such possession, whether or not the
38 person is arrested, unless the officer has reasonable
39 grounds to believe that such notification is not in
40 the best interests of the person or will endanger that
41 person. If the person is taken into custody, the peace
42 officer shall notify a juvenile court officer who shall
43 make a reasonable effort to identify the elementary or
44 secondary school the person attends, if any, and to
45 notify the superintendent of the school district, the
46 superintendent's designee, or the authorities in charge
47 of the nonpublic school of the taking into custody.
48 A reasonable attempt to notify the person includes
49 but is not limited to a telephone call or notice by
50 first-class mail.

1 Sec. _____. NEW SECTION. 124.417 Imitation
2 controlled substances — exceptions.

3 It is not unlawful under this chapter for a person
4 registered under section 124.302, to manufacture,
5 deliver, or possess with the intent to manufacture or
6 deliver, or to act with, one or more other persons
7 to manufacture, deliver, or possess with the intent
8 to manufacture or deliver an imitation controlled
9 substance for use as a placebo by a registered
10 practitioner in the course of professional practice or
11 research.

12 Sec. _____. Section 124.502, subsection 1, paragraph
13 a, Code 2015, is amended to read as follows:

14 a. A district judge or district associate judge,
15 within the court's jurisdiction, and upon proper
16 oath or affirmation showing probable cause, may issue
17 warrants for the purpose of conducting administrative
18 inspections under this chapter or a related rule
19 ~~or under chapter 124A.~~ The warrant may also permit
20 seizures of property appropriate to the inspections.
21 For purposes of the issuance of administrative
22 inspection warrants, probable cause exists upon showing
23 a valid public interest in the effective enforcement
24 of the statute or related rules, sufficient to justify
25 administrative inspection of the area, premises,
26 building, or conveyance in the circumstances specified
27 in the application for the warrant.

28 Sec. _____. Section 155A.6, subsection 3, Code 2015,
29 is amended to read as follows:

30 3. The board shall establish standards for
31 pharmacist-intern registration and may deny, suspend,
32 or revoke a pharmacist-intern registration for failure
33 to meet the standards or for any violation of the laws
34 of this state, another state, or the United States
35 relating to prescription drugs, controlled substances,
36 or nonprescription drugs, or for any violation of this
37 chapter or chapter 124, ~~124A,~~ 124B, 126, 147, or 205,
38 or any rule of the board.

39 Sec. _____. Section 155A.6A, subsection 5, Code 2015,
40 is amended to read as follows:

41 5. The board may deny, suspend, or revoke the
42 registration of, or otherwise discipline, a registered
43 pharmacy technician for any violation of the laws
44 of this state, another state, or the United States
45 relating to prescription drugs, controlled substances,
46 or nonprescription drugs, or for any violation of this
47 chapter or chapter 124, ~~124A,~~ 124B, 126, 147, 205, or
48 272C, or any rule of the board.

49 Sec. _____. Section 155A.6B, subsection 5, Code 2015,
50 is amended to read as follows:

1 5. The board may deny, suspend, or revoke the
2 registration of a pharmacy support person or otherwise
3 discipline the pharmacy support person for any
4 violation of the laws of this state, another state,
5 or the United States relating to prescription drugs,
6 controlled substances, or nonprescription drugs, or for
7 any violation of this chapter or chapter 124, ~~124A,~~
8 124B, 126, 147, 205, or 272C, or any rule of the board.

9 Sec. _____. Section 155A.13A, subsection 3, Code
10 2015, is amended to read as follows:

11 3. *Discipline.* The board may deny, suspend, or
12 revoke a nonresident pharmacy license for any violation
13 of this section, section 155A.15, subsection 2,
14 paragraph "a", "b", "d", "e", "f", "g", "h", or "i",
15 chapter 124, ~~124A,~~ 124B, 126, or 205, or a rule of the
16 board.

17 Sec. _____. Section 155A.17, subsection 2, Code 2015,
18 is amended to read as follows:

19 2. The board shall establish standards for drug
20 wholesaler licensure and may define specific types of
21 wholesaler licenses. The board may deny, suspend, or
22 revoke a drug wholesale license for failure to meet the
23 applicable standards or for a violation of the laws
24 of this state, another state, or the United States
25 relating to prescription drugs, devices, or controlled
26 substances, or for a violation of this chapter, chapter
27 124, ~~124A,~~ 124B, 126, or 205, or a rule of the board.

28 Sec. _____. Section 155A.42, subsection 4, Code 2015,
29 is amended to read as follows:

30 4. The board may deny, suspend, or revoke a limited
31 drug and device distributor's license for failure to
32 meet the applicable standards or for a violation of
33 the laws of this state, another state, or the United
34 States relating to prescription drugs or controlled
35 substances, or for a violation of this chapter, chapter
36 124, ~~124A,~~ 124B, 126, 205, or 272C, or a rule of the
37 board.

38 Sec. _____. Section 901.10, subsection 1, Code 2015,
39 is amended to read as follows:

40 1. A court sentencing a person for the person's
41 first conviction under section 124.406, ~~124.413,~~ or
42 902.7 may, at its discretion, sentence the person to a
43 term less than provided by the statute if mitigating
44 circumstances exist and those circumstances are stated
45 specifically in the record.

46 Sec. _____. Section 901.10, subsection 2, Code 2015,
47 is amended to read as follows:

48 2. a. Except as provided in paragraph "b", a
49 court sentencing a person where section 124.413 is
50 applicable may, at its discretion, waive the mandatory

1 minimum sentence in section 124.413, if the person
2 is classified as a low or low to moderate risk to
3 reoffend.

4 b. (1) Notwithstanding subsection 1 paragraph
5 "a", if the sentence under a court sentencing a person
6 where section 124.413 is applicable that involves
7 an amphetamine or methamphetamine offense under
8 section 124.401, subsection 1, paragraph "a" or "b",
9 the court shall not grant any reduction of sentence
10 unless the defendant pleads guilty or the person
11 is classified as a low or low to moderate risk to
12 reoffend. If the defendant pleads guilty or the person
13 is classified as a low or low to moderate risk to
14 reoffend, the court may, at its discretion, reduce the
15 mandatory minimum sentence by up to one-third. If the
16 defendant additionally cooperates in the prosecution
17 of other persons involved in the sale or use of
18 controlled substances, and if the prosecutor requests
19 an additional reduction in the defendant's sentence
20 because of such cooperation, the court may grant a
21 further reduction in the defendant's mandatory minimum
22 sentence, up to one-half of the remaining mandatory
23 minimum sentence.

24 (2) Subparagraph (1) only applies to a person's
25 first conviction that involves an amphetamine or
26 methamphetamine offense under section 124.401,
27 subsection 1, paragraph "a" or "b". Upon a second or
28 subsequent conviction that involves such an offense
29 under section 124.401, the person is not eligible for a
30 reduction of sentence.

31 Sec. ____ . REPEAL. Chapter 124A, Code 2015, is
32 repealed.>

33 2. Title page, line 2, by striking <enhancing the
34 penalties for imitation> and inserting <modifying the
35 penalties for>

STEVEN J. SODDERS